

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BYRON HUART and KEVIN HUART,

Plaintiffs,

v.

THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC., *et al.*,

Defendants.

:
: Hon. Faith S. Hochberg
:
: Civil No. 10-5437 (FSH) (PS)
:
: **ORDER**
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: Date: January 3, 2011
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HOCHBERG, District Judge:

The Court having stayed the above-captioned action on December 30, 2010 with respect to defendant The Great Atlantic & Pacific Tea Company, Inc., pursuant to the automatic stay provision of 11 U.S.C. § 362,

IT IS on this 3rd day of January, 2011, **ORDERED** that defendants' pending motion to dismiss [docket # 6], which raises defenses asserted by defendant The Great Atlantic & Pacific Tea Company, Inc., is **ADMINISTRATIVELY TERMINATED** as a result of the stay entered by the Court; and it is further

ORDERED that on or before **January 10, 2011**, the remaining parties shall each serve and file a response indicating whether the entire case should be stayed to await the outcome of the pending bankruptcy proceedings; and it is further

ORDERED that if the entire case should not be stayed, the individual defendants shall indicate whether they intend to re-file a motion to dismiss the claims against them individually.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.